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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAN 29 2004

JAMES R. LARSEN, CLERK
DEPUTY,
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

STEVE BERGSTROM and CHARLENE
BERGSTROM (Husband and Wife)

Plaintiffs,

vs.

CAPITAL MANAGEMENT SERVICES, INC.;
SHERMAN ACQUISITIONS, LP; and
SUTTELL & ASSOCIATES, PS;

Defendants.

NO.
04-CV0045-RHW

COMPLAINT FOR VIOLATION OF
THE FAIR DEBT COLLECTION
PRACTICES ACT AND THE

Plaintiffs, Steve and Charlene Bergstrom, by and through their attorney,
Timothy W. Durkop, allege the following:

1. Jurisdiction of this Court arises under 15 USC § 1692k(d).
2. Plaintiff is a "consumer" as defined by the FDCPA, 15 USC § 1692a(3).
3. Defendants were each attempting to collect a "debt" as defined by FDCPA,
15 USC § 1692a(5). The alleged debt was an obligation or alleged obligation
of the Plaintiff to pay money arising out of a transaction primarily for



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personal, family, or household purposes, to wit, a medical bill.

4. Defendants are each a "debt collector" as defined by FDCPA, 15 USC §1692a(6).

5. Now, and at all relevant times, plaintiff was a resident of the state of Washington residing within the territorial jurisdictional area of the United States District Court for the Eastern District of Washington.

6. Defendant is a debt collector engaged in the business of collecting debts within the State of Washington which were originally owed another, with no principal place of business within the state of Washington.

7. The principal purpose of each of the Defendants' business activities within the state of Washington is the collection of debts originally owed another using the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another or originally owed to another. Defendant is doing business as a "debt collector" in the Eastern District of Washington of the United States District Court as defined by the FDCPA, 15 USC § 1692a(6).

8. On March 19, 2003, the defendant Capital Management Services sent the plaintiff a letter demanding payment of a debt to Sherman Acquisition LP in the principal amount of \$6,181.83.

9. Plaintiff has never owed money to a company called Sherman Acquisition LP



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and became most concerned.

10. Plaintiff demanded verification that the alleged debt was his and asked for competent evidence that he in fact owed a debt to Capital Management or Sherman Acquisition LP.
11. On May 6, 2003, defendant Capital Management sent a letter confirming the request for verification and indicating that the defendant would send verification when it received information from defendant Sherman.
12. Plaintiff demanded verification of the debt on at least three other occasions. Plaintiff was concerned that someone may have improperly used his name or other such conduct.
13. Plaintiff never received the requested verification of the debt.
14. Defendant Capital Management and Sherman continued collection efforts in spite of the fact that it did not verify the debt.
15. In December of 2003, plaintiff was served with a summons and complaint which was signed by defendant Suttell.
16. The complaint was the first notice that plaintiff received from Suttell.
17. The complaint does not contain the notice contemplated by 15 U.S.C. §1692g.
18. Defendants actions constitute multiple violations of the Fair Debt Collection Practices Act.



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WHEREFORE, Plaintiffs pray for the following relief:

1. An award of general and special damages for the plaintiffs in the amount proven at trial.
2. An award of statutory damages pursuant to 15 USC §1692k (2)(A) for each violation of the act against each defendant.
3. An award of attorney fees as provided by the Fair Debt Collection Practices Act.
4. An award of costs of the lawsuit.
5. Any other relief the court deems proper.

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Dated: 1-27-04

By: TW

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Attorney for the Plaintiff



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